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UBER TECHNOLOGIES, INC.
14 and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 WAYMO LLC,
19 Plaintiff,
20 v.
21 UBER TECHNOLOGIES, INC.,
22 OTTOMOTTO LLC; OTTO TRUCKING LLC,
23 Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF SYLVIA
RIVERA IN SUPPORT OF
DEFENDANTS UBER
TECHNOLOGIES, INC. AND
OTTOMOTTO LLC'S OPPOSITION
TO WAYMO'S MOTION FOR
ORDER TO SHOW CAUSE WHY
DEFENDANTS SHOULD NOT BE
HELD IN CONTEMPT**

Date: July 26, 2017
Time: 8:00 a.m.
Ctrm: 8, 19th Floor
Judge: Hon. William Alsup

Trial Date: October 10, 2017

1 I, Sylvia Rivera, declare as follows:

2 1. I am a partner with the law firm of Morrison & Foerster LLP, counsel of record for
3 Defendants Uber Technologies, Inc. and Ottomotto LLC (collectively “Uber”) in this action. I
4 am a member in good standing of the Bar of the State of California. I make this declaration in
5 support of Uber’s Opposition to Waymo’s Motion for Order to Show Cause Why Defendants
6 Should Not Be Held in Contempt. I am one of the attorneys at Morrison & Foerster that oversaw
7 the preparation of Uber’s privilege logs and supervised the team of attorneys that assisted with
8 efforts to comply with the Court’s May 11, Order. I make this declaration based on personal
9 knowledge and, where indicated, based on my communications with my colleagues and my
10 inspection of records pertaining to compliance efforts. If called as a witness, I could and would
11 testify competently to the matters set forth herein.

12 2. During Morrison & Foerster’s review of documents for preparation of Uber’s
13 privilege log, reviewers were instructed to mark a document responsive if it referred even
14 generally or indirectly to a single document that Stroz Friedberg LLC (“Stroz”) may have
15 gathered, or would gather in the future, from Anthony Levandowski, or to media obtained from
16 Levandowski that potentially contained any information from Google. Reviewers also marked
17 responsive some documents that referred to the process for identifying such documents or media.

18 3. Reviewers were instructed that such a document should be deemed responsive to
19 ¶ 4 of the Court’s March 16 Order even if it did not actually disclose the contents of the material
20 gathered from Levandowski, had nothing to do with any Google or Waymo trade secrets (or
21 alleged trade secrets), and even if the file being “referred to” was not one of the 14,000 allegedly
22 stolen files.

23 4. The Stroz Report and certain exhibits pertaining to Levandowski were included on
24 Uber’s privilege log based on the above review criteria.

25 5. The destruction of the five discs that occurred in March 2016 is described in at
26 least one of the documents listed on Uber’s privilege log.

1 6. In its April 28, 2017 privilege log for the Stroz Report, which was updated May 1,
2 2017, Uber specifically disclosed that Morrison & Foerster had received the Stroz Report. A true
3 and correct copy of the May 1, 2017 log is attached here as Exhibit A.

4 7. In response to the Court's May 11, 2017 order, Uber took the following steps,
5 among others. First, Uber sent a survey to each of its employees via its "Global Uber Team"
6 email listserv and conducted interviews of over 160 employees, including any who responded that
7 they had had communications with Anthony Levandowski in which he mentioned LiDAR. Based
8 on my communications with colleagues who performed interviews and my review of
9 documentation, not one of the employees interviewed indicated he or she had seen or heard
10 downloaded materials.

11 8. Second, Uber reviewed over 11,000 documents, including emails, Google Drive
12 documents, and calendar invitations for any communications in which Levandowski mentioned
13 LiDAR. Based on my communications with colleagues who performed the review, none of these
14 revealed downloaded materials.

15 9. Third, Uber sent a survey to its LiDAR-related suppliers and followed up by phone
16 and in writing with the suppliers who responded that they had had communications with Anthony
17 Levandowski in which he mentioned LiDAR. Based on my communications with colleagues
18 who performed interviews, none of these suppliers indicated that it had seen or heard downloaded
19 materials.

20 10. Fourth, Uber interviewed 60 individuals at Stroz to document which of them may
21 have seen potentially downloaded materials and to confirm none of them had sent downloaded
22 materials to Uber. Based on my communications with colleagues who performed the interviews,
23 no one indicated that he or she sent any such material to Uber.

24 11. Finally, Uber conducted interviews of individuals known to have received the
25 Stroz Report, including Uber board members and Uber's outside counsel, to verify the chain of
26 custody and confirm none of them had forwarded any potentially downloaded materials to Uber.
27 Based on my communications with colleagues who performed the interviews, no one indicated
28 that he or she sent any such material to Uber.

